

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIT F. AUGBORNE,

Petitioner,

V.

BRIAN WILLIAMS, *et al.*,

Respondents.

Case No. 2:19-cv-01599-JAD-DJA

Order Directing Petitioner to File an IFP Application or Pay Filing Fee

[ECF No. 1]

Petitioner Brit F. Augborne, a *pro se* Nevada prisoner, has not properly commenced this habeas action by either paying the standard filing fee or filing a complete application for leave to proceed *in forma pauperis* (“IFP”). He submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 as part of his initiating documents (ECF No. 1), but he did not pay the \$5 filing fee or submit an IFP application for incarcerated litigants with the appropriate supporting documentation. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

To proceed in a civil action without paying the standard filing fee, LSR 1-1 of the Local Rules of Practice and 28 U.S.C. § 1915 provide that a prisoner must submit the court's IFP application form for incarcerated litigants. Additionally, LSR 1-2 and § 1915 specifically require three items be submitted with a prisoner's IFP application: (1) a financial certificate signed by an authorized officer of the institution in which he or she is incarcerated, (2) a copy of his or her inmate trust account statement for the six-month period prior to filing, and (3) a signed financial affidavit showing an inability to prepay fees and costs or give security for them.

Augborne will have until October 30, 2019, to either pay the \$5 filing fee or submit a complete IFP application with all required attachments.

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1 **IT THEREFORE IS ORDERED:**

- 2 1. The Clerk of Court is instructed to MAIL Petitioner Brit F. Augborne a blank form
3 application to proceed *in forma pauperis* for incarcerated litigants with instructions.
4 2. **By October 30, 2019, Augborne must either (1) file an IFP application along with**
5 **all required attachments or (2) pay the \$5 filing fee. If Augborne does neither**
6 **by this deadline, this case will be dismissed without prejudice and without**
7 **further advance notice.**

8 Dated: September 30, 2019

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U.S. District Judge Jennifer A. Dorsey